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Legislative History – Montana Session Law

Chapter: 180 Session L: 2017
Bill Number: SB 113

Checklist of Bill History

History and Final Status Sheet	☑
Introduced Bill	☑
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 3/13/2017 https://sg001-harmony.sliq.net/00309/Harmony/en/PowerBrowser/PowerBrowserV2/20170313/-1/28817	Hearing Date(s): 1/20/2017 Watch: https://sg001-harmony.sliq.net/00309/Harmony/en/View/Calendar/20170120/-1
Committee Report: 3/13/2017	Committee Report: 1/27/2017

Compiler Notes

Compiled by: S. Marshall Date: 6/25/2024

Notes:

Bill Draft Number: LC0898
Bill Type - Number: SB 113
Short Title: Providing for disclosure of child and family services records to legislators
Primary Sponsor: Frederick (Eric) Moore (R) SD 19
Chapter Number: 180

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 51

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/10/2017			
(S) Signed by Governor	04/10/2017			
(S) Transmitted to Governor	03/31/2017			
(H) Signed by Speaker	03/30/2017			
(S) Signed by President	03/29/2017			
(C) Printed - Enrolled Version Available	03/27/2017			
(S) Returned from Enrolling	03/27/2017			
(S) Sent to Enrolling	03/24/2017			
(H) Returned to Senate	03/23/2017			
(H) 3rd Reading Concurred	03/23/2017	77	23	
(H) Scheduled for 3rd Reading	03/23/2017			
(H) 2nd Reading Concurred	03/22/2017	81	19	
(H) Scheduled for 2nd Reading	03/22/2017			
(H) 2nd Reading Pass Consideration	03/15/2017			
(H) Scheduled for 2nd Reading	03/15/2017			
(H) 2nd Reading Pass Consideration	03/14/2017			
(H) Scheduled for 2nd Reading	03/14/2017			
(H) Committee Report--Bill Concurred	03/13/2017			(H) Judiciary
(H) Committee Executive Action--Bill Concurred	03/13/2017	19	0	(H) Judiciary
(H) Hearing	03/13/2017			(H) Judiciary
(H) First Reading	02/17/2017			
(H) Referred to Committee	02/17/2017			(H) Judiciary
(S) Transmitted to House	02/15/2017			
(S) 3rd Reading Passed	02/15/2017	31	18	
(S) Scheduled for 3rd Reading	02/15/2017			
(C) Printed - New Version Available	02/13/2017			
(S) 2nd Reading Passed as Amended	02/13/2017	27	23	
(S) 2nd Reading Motion to Amend Carried	02/13/2017	50	0	
(S) Scheduled for 2nd Reading	02/13/2017			
(C) Printed - New Version Available	01/27/2017			
(C) Sponsors Engrossed	01/27/2017			
(S) Committee Report--Bill Passed	01/27/2017			(S) Judiciary
(S) Committee Executive Action--Bill Passed	01/27/2017	7	4	(S) Judiciary
(S) Hearing	01/20/2017			(S) Judiciary
(S) Referred to Committee	01/12/2017			(S) Judiciary
(S) First Reading	01/12/2017			

(C) Introduced Bill Text Available Electronically	01/11/2017
(S) Introduced	01/11/2017
(C) Draft Delivered to Requester	01/10/2017
(C) Draft Ready for Delivery	01/09/2017
(C) Executive Director Final Review	01/09/2017
(C) Draft in Assembly	01/09/2017
(C) Executive Director Review	01/09/2017
(C) Bill Draft Text Available Electronically	01/09/2017
(C) Draft in Final Drafter Review	01/09/2017
(C) Draft in Input/Proofing	01/09/2017
(C) Draft to Drafter - Edit Review	01/09/2017
(C) Draft in Edit	01/07/2017
(C) Draft in Legal Review	01/07/2017
(C) Draft to Requester for Review	01/05/2017
(C) Draft Request Received	11/15/2016

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Lynch	Ryan	
Drafter	Sandru	Alexis	
Primary Sponsor	Moore	Frederick (Eric)	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Family Law (see also: Minors)		Simple	FAM

Additional Bill Information

Fiscal Note Probable: No
Preintroduction Required: N
Session Law Ch. Number: 180
DEADLINE
Category: General Bills
Transmittal Date: 03/01/2017
Return (with 2nd house amendments) Date: 04/06/2017

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-OCT-17	

AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-205, MCA, is amended to read:

"41-3-205. Confidentiality -- disclosure exceptions. (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections ~~(8)~~ (9) and ~~(9)~~ (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive

relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with

children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children, persons with developmental disabilities, or older persons posed by the person about whom the information is sought, as determined by the department.

(p) the news media, ~~a member of the United States congress, or a state legislator,~~ if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need

to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records.

(b) Records disclosed pursuant to subsection (4)(a) are confidential, must be made available for the member to view at a location determined by the department but may not be copied, recorded, photographed, or otherwise replicated by the member, and must remain solely in the department's possession.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

~~(4)~~(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection ~~(4)(a)~~ (5)(a) or to a county interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances

constituting the criminal manufacture or distribution of dangerous drugs.

~~(5)~~(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

~~(6)~~(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

~~(7)~~(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

~~(8)~~(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and ~~(4)~~ (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

~~(9)~~(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection ~~(8)~~ (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

~~(10)~~(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

~~(11)~~(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost."

Section 2. Section 41-3-208, MCA, is amended to read:

"41-3-208. Rulemaking authority. (1) The department of public health and human services shall adopt rules to govern the procedures used by department personnel in preparing and processing reports and in making investigations authorized by this chapter.

(2) The department may adopt rules to govern the disclosure of case records containing reports of child

abuse and neglect.

(3) The department shall adopt a rule specifying the procedure to be used for the release and disclosure of records as provided in 41-3-205~~(4)~~(5). In adopting the rule, the department shall collaborate with the attorney general, the office of the child and family ombudsman, and appropriate county attorneys, law enforcement agencies, and county interdisciplinary child information and school safety teams established pursuant to 52-2-211."

- END -

I hereby certify that the within bill,

SB 0113, originated in the Senate.

President of the Senate

Signed this _____ day

of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day

of _____, 2017.

SENATE BILL NO. 113

INTRODUCED BY F. MOORE, M. CAFERRO

AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA.

AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-205, MCA, is amended to read:

"41-3-205. Confidentiality -- disclosure exceptions. (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections ~~(8)~~ (9) and ~~(9)~~ (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive

relevant information for the purpose of determining the best interests of a child with respect to an adoptive placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with

children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children, persons with developmental disabilities, or older persons posed by the person about whom the information is sought, as determined by the department.

(p) the news media, ~~a member of the United States congress, or a state legislator,~~ if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need

to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; and

(B) receives from the department an orientation of the content and structure of the records.

(b) Records disclosed pursuant to subsection (4)(a) are confidential, must be made available for the member to view at a location determined by the department but may not be copied, recorded, photographed, or otherwise replicated by the member, and must remain solely in the department's possession.

(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department.

~~(4)~~(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection ~~(4)(a)~~ (5)(a) or to a county interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances

constituting the criminal manufacture or distribution of dangerous drugs.

~~(5)~~(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

~~(6)~~(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

~~(7)~~(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

~~(8)~~(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and ~~(4)~~ (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

~~(9)~~(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection ~~(8)~~ (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

~~(10)~~(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

~~(11)~~(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost."

Section 2. Section 41-3-208, MCA, is amended to read:

"41-3-208. Rulemaking authority. (1) The department of public health and human services shall adopt rules to govern the procedures used by department personnel in preparing and processing reports and in making investigations authorized by this chapter.

(2) The department may adopt rules to govern the disclosure of case records containing reports of child

abuse and neglect.

(3) The department shall adopt a rule specifying the procedure to be used for the release and disclosure of records as provided in 41-3-205~~(4)~~(5). In adopting the rule, the department shall collaborate with the attorney general, the office of the child and family ombudsman, and appropriate county attorneys, law enforcement agencies, and county interdisciplinary child information and school safety teams established pursuant to 52-2-211."

- END -

I hereby certify that the within bill,

SB 0113, originated in the Senate.

President of the Senate

Signed this _____ day

of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day

of _____, 2017.

SENATE BILL NO. 113

INTRODUCED BY F. MOORE, M. CAFERRO

AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA.

SENATE BILL NO. 113

INTRODUCED BY F. MOORE, M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-205, MCA, is amended to read:

"41-3-205. Confidentiality -- disclosure exceptions. (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections ~~(8)~~ (9) and ~~(9)~~ (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive

placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children,

persons with developmental disabilities, or older persons posed by the person about whom the information is sought, as determined by the department.

(p) the news media, ~~a member of the United States congress, or a state legislator,~~ if disclosure is limited to confirmation of factual information regarding how the case was handled and if disclosure does not violate the privacy rights of the child or the child's parent or guardian, as determined by the department;

(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

(x) members of a local interagency staffing group provided for in 52-2-203;

(y) a member of a youth placement committee formed under the provisions of 41-5-121; or

(z) a principal of a school or other employee of the school district authorized by the trustees of the district to receive the information with respect to a student of the district who is a client of the department.

(4) (a) The records described in subsection (3) must be disclosed to a member of the United States congress or a member of the Montana legislature if all of the following requirements are met:

(i) the member receives a written inquiry regarding a child and whether the laws of the United States or the state of Montana that protect children from abuse or neglect are being complied with or whether the laws need to be changed to enhance protections for children;

(ii) the member submits a written request to the department requesting to review the records relating to the written inquiry. The member's request must include a copy of the written inquiry, the name of the child whose

records are to be reviewed, and any other information that will assist the department in locating the records.

(iii) before reviewing the records, the member:

(A) signs a form that outlines the state and federal laws regarding confidentiality and the penalties for unauthorized release of the information; AND

(B) RECEIVES FROM THE DEPARTMENT AN ORIENTATION OF THE CONTENT AND STRUCTURE OF THE RECORDS.

(b) Records disclosed pursuant to subsection (4)(a) are confidential, must be made available for the member to view at a location determined by the department but may not be copied, recorded, photographed, or otherwise replicated by the member, and must remain solely in the department's possession.

(C) ACCESS TO RECORDS REQUESTED PURSUANT TO THIS SUBSECTION (4) IS LIMITED TO 6 MONTHS FROM THE DATE THE WRITTEN REQUEST TO REVIEW RECORDS WAS RECEIVED BY THE DEPARTMENT.

~~(4)~~(5) (a) The records described in subsection (3) must be promptly released to any of the following individuals upon a written request by the individual to the department or the department's designee:

(i) the attorney general;

(ii) a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred;

(iii) a peace officer, as defined in 45-2-101, in the jurisdiction in which the alleged abuse or neglect occurred; or

(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection ~~(4)(a)~~ (5)(a) or to a county interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

(i) the death of the child as a result of child abuse or neglect;

(ii) a sexual offense, as defined in 46-23-502, against the child;

(iii) exposure of the child to an actual and not a simulated violent offense as defined in 46-23-502; or

(iv) child abuse or neglect, as defined in 41-3-102, due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

~~(5)~~(6) A school or school district may disclose, without consent, personally identifiable information from the education records of a pupil to the department, the court, a review board, and the child's assigned attorney, guardian ad litem, or special advocate.

~~(6)~~(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

~~(7)~~(8) The confidentiality provisions of this section must be construed to allow a court of this state to share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

~~(8)~~(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and ~~(4)~~ (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

~~(9)~~(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection ~~(8)~~ (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

~~(10)~~(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

~~(11)~~(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost."

Section 2. Section 41-3-208, MCA, is amended to read:

"41-3-208. Rulemaking authority. (1) The department of public health and human services shall adopt rules to govern the procedures used by department personnel in preparing and processing reports and in making investigations authorized by this chapter.

(2) The department may adopt rules to govern the disclosure of case records containing reports of child abuse and neglect.

(3) The department shall adopt a rule specifying the procedure to be used for the release and disclosure of records as provided in 41-3-205~~(4)~~(5). In adopting the rule, the department shall collaborate with the attorney general, the office of the child and family ombudsman, and appropriate county attorneys, law enforcement agencies, and county interdisciplinary child information and school safety teams established pursuant to

52-2-211."

- END -

SENATE BILL NO. 113

INTRODUCED BY F. MOORE, M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-3-205, MCA, is amended to read:

"41-3-205. Confidentiality -- disclosure exceptions. (1) The case records of the department and its local affiliate, the local office of public assistance, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect must be kept confidential except as provided by this section. Except as provided in subsections ~~(8)~~ (9) and ~~(9)~~ (10), a person who purposely or knowingly permits or encourages the unauthorized dissemination of the contents of case records is guilty of a misdemeanor.

(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive

placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

(g) approved foster and adoptive parents who are or may be providing care for a child;

(h) a person about whom a report has been made and that person's attorney, with respect to the relevant records pertaining to that person only and without disclosing the identity of the reporter or any other person whose safety may be endangered;

(i) an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of child abuse or neglect;

(j) a person, agency, or organization that is engaged in a bona fide research or evaluation project and that is authorized by the department to conduct the research or evaluation;

(k) the members of an interdisciplinary child protective team authorized under 41-3-108 or of a family group decisionmaking meeting for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan;

(l) the coroner or medical examiner when determining the cause of death of a child;

(m) a child fatality review team recognized by the department;

(n) a department or agency investigating an applicant for a license or registration that is required to operate a youth care facility, day-care facility, or child-placing agency;

(o) a person or entity who is carrying out background, employment-related, or volunteer-related screening of current or prospective employees or volunteers who have or may have unsupervised contact with children through employment or volunteer activities. A request for information under this subsection (3)(o) must be made in writing. Disclosure under this subsection (3)(o) is limited to information that indicates a risk to children,

persons with developmental disabilities, or older persons posed by the person about whom the information is sought, as determined by the department.

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(q) an employee of the department or other state agency if disclosure of the records is necessary for administration of programs designed to benefit the child;

(r) an agency of an Indian tribe, a qualified expert witness, or the relatives of an Indian child if disclosure of the records is necessary to meet requirements of the federal Indian Child Welfare Act;

(s) a juvenile probation officer who is working in an official capacity with the child who is the subject of a report in the records;

(t) an attorney who is hired by or represents the department if disclosure is necessary for the investigation, defense, or prosecution of a case involving child abuse or neglect;

(u) a foster care review committee established under 41-3-115 or, when applicable, a citizen review board established under Title 41, chapter 3, part 10;

(v) a school employee participating in an interview of a child by a social worker, county attorney, or peace officer, as provided in 41-3-202;

(w) a member of a county interdisciplinary child information and school safety team formed under the provisions of 52-2-211;

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(iv) the office of the child and family ombudsman.

(b) The records described in subsection (3) must be promptly disclosed by the department to an appropriate individual described in subsection ~~(4)(a)~~ (5)(a) or to a county interdisciplinary child information and school safety team established pursuant to 52-2-211 upon the department's receipt of a report indicating that any of the following has occurred:

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~~(6)~~(7) Information that identifies a person as a participant in or recipient of substance abuse treatment services may be disclosed only as allowed by federal substance abuse confidentiality laws, including the consent provisions of the law.

~~(7)~~(8) The confidentiality provisions of this section must be construed to allow a court of this state to

share information with other courts of this state or of another state when necessary to expedite the interstate placement of children.

~~(8)~~(9) A person who is authorized to receive records under this section shall maintain the confidentiality of the records and may not disclose information in the records to anyone other than the persons described in subsections (3)(a) and ~~(4)~~ (5). However, this subsection may not be construed to compel a family member to keep the proceedings confidential.

~~(9)~~(10) A news organization or its employee, including a freelance writer or reporter, is not liable for reporting facts or statements made by an immediate family member under subsection ~~(8)~~ (9) if the news organization, employee, writer, or reporter maintains the confidentiality of the child who is the subject of the proceeding.

~~(10)~~(11) This section is not intended to affect the confidentiality of criminal court records, records of law enforcement agencies, or medical records covered by state or federal disclosure limitations.

~~(11)~~(12) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, grandparent, aunt, uncle, brother, sister, guardian, or parent's or guardian's attorney must be provided without cost."

Section 2. Section 41-3-208, MCA, is amended to read:

"41-3-208. Rulemaking authority. (1) The department of public health and human services shall adopt rules to govern the procedures used by department personnel in preparing and processing reports and in making investigations authorized by this chapter.

(2) The department may adopt rules to govern the disclosure of case records containing reports of child abuse and neglect.

(3) The department shall adopt a rule specifying the procedure to be used for the release and disclosure of records as provided in 41-3-205~~(4)~~(5). In adopting the rule, the department shall collaborate with the attorney general, the office of the child and family ombudsman, and appropriate county attorneys, law enforcement agencies, and county interdisciplinary child information and school safety teams established pursuant to 52-2-211."

- END -

SENATE BILL NO. 113

INTRODUCED BY F. MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING INCREASED TRANSPARENCY IN THE DISCLOSURE OF CHILD AND FAMILY SERVICES RECORDS; PROVIDING FOR THE DISCLOSURE OF RECORDS TO MEMBERS OF THE UNITED STATES CONGRESS AND MONTANA LEGISLATURE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTIONS 41-3-205 AND 41-3-208, MCA."

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(2) Records may be disclosed to a court for in camera inspection if relevant to an issue before it. The court may permit public disclosure if it finds disclosure to be necessary for the fair resolution of an issue before it.

(3) Records, including case notes, correspondence, evaluations, videotapes, and interviews, unless otherwise protected by this section or unless disclosure of the records is determined to be detrimental to the child or harmful to another person who is a subject of information contained in the records, may be disclosed to the following persons or entities in this state and any other state or country:

(a) a department, agency, or organization, including a federal agency, military enclave, or Indian tribal organization, that is legally authorized to receive, inspect, or investigate reports of child abuse or neglect and that otherwise meets the disclosure criteria contained in this section;

(b) a licensed youth care facility or a licensed child-placing agency that is providing services to the family or child who is the subject of a report in the records or to a person authorized by the department to receive relevant information for the purpose of determining the best interests of a child with respect to an adoptive

placement;

(c) a health or mental health professional who is treating the family or child who is the subject of a report in the records;

(d) a parent, grandparent, aunt, uncle, brother, sister, guardian, mandatory reporter provided for in 41-3-201(2) and (5), or person designated by a parent or guardian of the child who is the subject of a report in the records or other person responsible for the child's welfare, without disclosure of the identity of any person who reported or provided information on the alleged child abuse or neglect incident contained in the records;

(e) a child named in the records who was allegedly abused or neglected or the child's legal guardian or legal representative, including the child's guardian ad litem or attorney or a special advocate appointed by the court to represent a child in a pending case;

(f) the state protection and advocacy program as authorized by 42 U.S.C. 15043(a)(2);

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- END -

MINUTES

MONTANA SENATE
65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 20, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 107, 1/10/2017; SB 113, 1/10/2017; SB 117, 1/13/2017

HEARING ON SB 117

Opening Statement by Sponsor:

00:00:47 Sen. Roger Webb (R), SD 23, opened the hearing on SB 117, Revise laws relating to executing power of attorney for a minor.

EXHIBIT(jus15a01)

Proponents' Testimony:

00:14:11 Bowen Greenwood, Montana Family Foundation (MFF)

Opponents' Testimony:

00:15:31 Shannon McDonald, Department of Public Health and Human Services (DPHHS)
00:19:16 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:22:12 Sen. Sales
00:23:20 Ms. McDonald, DPHHS
00:24:09 Sen. MacDonald
00:25:05 Ms. Turner, MCADSV
00:25:37 Chairman Regier
00:26:12 Ms. Turner
00:26:41 Sen. Swandal
00:27:08 Sen. Vincent
00:27:30 Mr. Greenwood, MFF
00:28:51 Sen. Vincent
00:29:25 Sen. Webb
00:31:25 Sen. Gross
00:31:37 Sen. Webb
00:33:17 Sen. Sands
00:34:13 Sen. Webb
00:37:01 Sen. Swandal
00:37:25 Sen. Webb

Closing by Sponsor:

00:37:38 Sen. Webb

HEARING ON SB 113

Opening Statement by Sponsor:

00:41:10 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 113, Providing for disclosure of child and family services records to legislators.
EXHIBIT(jus15a02)

Proponents' Testimony:

00:45:37 Laura Smith, deputy director, Department of Public Health and Human Services
00:47:16 Maurita Johnson, administrator, Children and Families Division, Department of Public Health and Human Services (DPHHS)

00:48:37 Chairman Regier left the hearing room; Vice-Chair Sands assumed the chairperson's role.

00:49:27 Joyce Funda, former commissioner, Protect Montana Kids Commission (PMKC); past executive director, CASA/Montana; Family Law attorney/mediator
00:54:46 Jani McCall, commissioner, Protect Montana Kids Commission, Yellowstone Boys and Girls Ranch; Inter-mountain Childrens Home; Family Support Network

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:56:59 Sen. MacDonald
00:57:47 Sen. Moore
00:58:57 Sheila Hogan, director, DPHHS
00:59:39 Sen. Moe
01:01:17 Ms. Johnson, DPHHS
01:01:32 Sen. Moe
01:02:28 Ms. Funda, PMKC
01:07:38 Sen. Moe
01:07:53 Shannon McDonald, DPHHS
01:09:42 Sen. Swandal
01:10:28 Ms. McDonald, DPHHS
01:10:45 Chair Sands
01:11:19 Ms. McDonald
01:11:49 Chair Sands
01:12:52 Ms. Hogan, DPHHS

Closing by Sponsor:

01:13:19 Sen. Moore

HEARING ON SB 107

Opening Statement by Sponsor:

01:15:46 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 107, Provide liability limits for emergency care by volunteer emergency responders.

Proponents' Testimony:

01:18:57 Rob Brandt, president, Meagher County Search and Rescue
01:21:18 Shane Sereday, past president, current member, Meagher County Search and Rescue
01:22:27 Dave Galt, Montana Sheriffs and Peace Officers Association

Opponents' Testimony:

None

Informational Testimony:

01:23:23 Al Smith, Montana Trial Lawyers Association (MTLA)
01:24:30 Sen. Vincent

Questions from Committee Members and Responses:

01:24:57 Chair Sands
01:25:23 Sen. Kary
01:25:34 Sen. Moe
01:26:06 Mr. Smith, MTLA

Closing by Sponsor:

01:27:11 Sen. Kary

ADJOURNMENT

Adjournment: 10:28 A.M.

_____
Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus15aad.pdf)

SENATE JUDICIARY
Exhibit No. 2
Date: 1/20/17
Bill No. SB 113

MONTANA DPHHS
Healthy People. Healthy Communities.
Department of Public Health & Human Services

LC 898 Increase Transparency of Child and Family Services Information

Sponsor: Sen. Eric Moore
Contact: Maurita Johnson, CFSD Administrator, DPHHS. Phone: 841-2410, Email: Maurita.Johnson@mt.gov

Why is this bill needed?

The Protect Montana Kids commission recognized the need for improved transparency within the child protection system. Currently, records of abuse and neglect cases are kept confidential, with minimal exceptions, limiting the ability of members of the state legislature to review or strengthen laws to protect children in response to constituent requests.

What does the bill do?

The bill would amend the confidentiality provisions in section 41-3-205, MCA to allow legislators to review records for the purpose of evaluating the adequacy of Montana's child abuse and neglect laws and regulations. These amendments allow the department to extend disclosure of child welfare records allowed for members of the United States Congress, and to members of the Montana state legislature. Additionally, the bill establishes procedures to maintain confidentiality. Specifically, the bill:

- Moves "a member of the United States congress, or a state legislator," from sub-section (p) where disclosure is limited to confirmation of factual information regarding how the case was handled to new section (4).
- New section (4) allows members of congress or the state legislature who have received a written inquiry to review certain records related to an allegation of abuse and neglect.
- Sub-section (b) outlines the process for these individuals to gain access to child welfare records, and
- Sub-section (c) requires the member of congress or the legislature to sign a confidentiality agreement and specifies that the documents must remain in the department's possession.

The bill is modeled on similar legislation in Tennessee.

Montana State Legislature

2017 Session

Additional Documents include:

***Business Report**
***Roll Call(attendance**
***Standing Committee Reports,**
***Table Bills, Fiscal reports etc.**
***Roll Call Votes**
***Witness Statements**
***Informational items**
***Visitor Registrations**
***Any other Documents;**
~Petitions if any?
~Any and all material handed in after the meeting end.

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BUSINESS REPORT

MONTANA SENATE
65th LEGISLATURE - REGULAR SESSION

SENATE JUDICIARY COMMITTEE

Date: Friday, January 20, 2017
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 107 - Provide liability limits for emergency care by volunteer emergency responders - Sen. Douglas (Doug) Kary
SB 113 - Providing for disclosure of child and family services records to legislators - Sen. Frederick (Eric) Moore
SB 117 - Revise laws relating to executing power of attorney for a minor - Sen. Roger Webb

EXECUTIVE ACTION TAKEN:

Comments:

SEN. Keith Regier, Chair

MONTANA STATE SENATE

2017 JUDICIARY COMMITTEE

ROLL CALL

DATE: 1/20/2017

NAME	PRESENT	ABSENT/ EXCUSED
CHAIRMAN, SENATOR KEITH REGIER	—	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER		—
VICE CHAIRMAN, SENATOR DIANE SANDS	—	
SENATOR STEVE HINEBAUCH	—	
SENATOR JEDEDIAH HINKLE	—	
SENATOR CHAS VINCENT	—	
SENATOR NELS SWANDAL	—	
SENATOR MARY SHEEHY MOE	—	
SENATOR MARGARET MacDONALD	—	
SENATOR JEN GROSS	—	
PRESIDENT SCOTT SALES	—	

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, January 20, 2017

SB 117 - Revise laws relating to executing power of attorney for a minor

Sponsor: **Sen. Roger Webb**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Shannon McDonald	DPHHS		X	
Bowen Greenwood	Montana Family Foundation	X		
Robin Turner	MCADSV		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, January 20, 2017
SB 113 - Providing for disclosure of child and family services records to legislators
Sponsor: **Sen. Frederick (Eric) Moore**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Shannon McDonald	DPHHS	X		
Joyce Funda	former PMK Commissioner + CASA/MT ED	X		
Jami McCall	PMK Commissioner, YBGR, Intermountain Family Support Network	X		
Margaretta Langel	DPHHS			
Linda Hoch	DPHHS	X		
Lara Smith	" "	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Friday, January 20, 2017

SB 107 - Provide liability limits for emergency care by volunteer emergency responders

Sponsor: **Sen. Douglas (Doug) Kary**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Brandt	Meagher County SAR	X		
Shane Sereday	Meagher County SAR	X		
Dave Gatti	MSPOA	X		
Al Smith	MTHA			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE
65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 27, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 184, 1/18/2017; HB 111, 1/19/2017; SB 98 1/19/2017
Executive Action:	SB 64-Do Pass As Amended, SB 113-Do Pass, SB 117-Do Pass-Motion Withdrawn, SB 118-Do Pass As Amended, SB 123-Do Pass

00:00:32 Chairman Regier

HEARING ON HB 111

Opening Statement by Sponsor:

00:01:04 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 111, Revising laws related to minor in possession data.

Proponents' Testimony:

00:02:59 Lisa Mader, information technologist, Montana Supreme Court (MSC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:04:48 Chairman Regier
00:04:59 Ms. Mader, MSC

Closing by Sponsor:

00:05:49 Rep. Lynch

HEARING ON SB 98

Opening Statement by Sponsor:

00:06:31 Sen. Cary Smith (R), SD 27, opened the hearing on SB 98, Establish property ownership fairness act.

Proponents' Testimony:

00:11:43 Chuck Denowh, United Property Owners of Montana (UPOM)
00:20:30 Abigail St. Lawrence, Montana Building Industry Association
00:21:44 David Herbst, state director, Americans For Prosperity/Montana

Opponents' Testimony:

00:24:56 Kelly Lynch, deputy director and legal counsel, Montana League of Cities and Towns (MLCT)
00:42:23 Tara DePuy, Montana Association of Counties (MACo); Property and Casualty Trust

EXHIBIT(jus20a01)

00:50:05 Adam Haight, Northern Plains Resource Council
00:50:29 Dave Ohler, chief legal counsel, Montana Department of Transportation
00:58:22 Nadine Nadow, Montana Environmental Information Center
00:59:04 Jeff Barber, Montana Association of Planners; Montana Smart Growth Coalition; Clark Fork Coalition,
00:59:26 Amy Seaman, Montana Audubon
01:00:10 Brian Ohs, Montana Trout Unlimited (MTU)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:01:28 Sen. Moe
01:01:47 Ms. Lynch, MLCT
01:01:50 Sen. Gross
01:02:32 Ms. Lynch
01:02:58 Sen. Fielder
01:03:27 Mr. Denowh, UPOM
01:06:19 Sen. MacDonald
01:07:01 Ms. Lynch
01:07:43 Sen. Hinkle
01:08:06 Mr. Ohs, MTU
01:10:15 Sen. Hinkle
01:10:31 Mr. Denowh
01:11:01 Sen. Hinebauch
01:11:36 Mr. Denowh
01:12:11 Sen. Gross
01:13:15 Ms. Depuy, MACo
01:13:25 Ms. Lynch
01:13:58 Sen. Sands
01:14:50 Sen. Smith
01:21:54 Sen. MacDonald
01:22:48 Ms. DePuy
01:24:06 Sen. Hinkle
01:24:54 Sen. Smith
01:26:50 Chairman Regier
01:26:59 Mr. Denowh
01:27:25 Chairman Regier
01:27:29 Ms. Lynch

Closing by Sponsor:

01:29:21 Sen. Smith

HEARING ON HB 184

Opening Statement by Sponsor:

01:37:29 Rep. Frank Garner (R), HD 7, opened the hearing on HB 184, Revise health care practitioner gun shot reporting requirement laws.

Proponents' Testimony:

01:39:47 Mike Foster, Sisters of Charity Leavenworth Health Systems (SCLHS); Billings Clinic
EXHIBIT(jus20a02)

01:42:27 Joyce Dombrouski, chief nursing officer, St. Patrick's Hospital, Missoula
01:42:57 Greg Dorrington, Montana Medical Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:44:05 Chairman Regier
01:44:14 Mr. Foster, SCLHS
01:46:00 Sen. Moe
01:46:27 Rep. Garner
01:48:08 Sen. Swandal
01:48:22 Rep. Garner

Closing by Sponsor:

01:48:43 Rep. Garner

01:49:13 Brief Recess
02:05:38 Reconvene

EXECUTIVE ACTION ON SB 64

02:05:57 **Motion:** Sen. Fielder moved that **SB 64 DO PASS**.

02:08:32 **Motion/Vote:** Sen. Swandal moved that **SB 64 BE AMENDED**. Motion carried unanimously by voice vote.
EXHIBIT(jus20a03)

02:09:46 **Motion:** Sen. Fielder moved that **SB 64 DO PASS AS AMENDED**.

02:09:54 **Motion/Vote:** Sen. Swandal moved that **SB 64 BE AMENDED**. Motion carried unanimously by voice vote.
EXHIBIT(jus20a04)

02:10:40 Sen. Fielder

02:10:49 **Motion:** Sen. Swandal moved that **SB 64 BE AMENDED**.
EXHIBIT(jus20a05)

Discussion:

02:11:12 Julianne Burkhardt, Legislative Services Division
02:11:33 Sen. Moe

02:11:54 **Vote:** Motion carried unanimously by voice vote.

Discussion:

02:12:07 Sen. Fielder
02:12:26 Sen. Sales
02:13:57 Sen. Sands
02:14:31 Sen. MacDonald
02:15:27 Sen. Gross
02:15:49 Chairman Regier

02:16:04 **Motion/Vote:** Sen. Fielder moved that **SB 64 DO PASS AS AMENDED**. Motion carried 9-2 by roll call vote with Sen. S. Sales and Sen. Vincent voting no.

EXECUTIVE ACTION ON SB 113

02:16:50 **Motion:** Sen. Fielder moved that **SB 113 DO PASS**.

Discussion:

02:17:20 Sen. Moe
02:18:38 Sen. Fielder
02:19:40 Chairman Regier
02:19:59 Sen. Sands
02:21:19 Chairman Regier
02:21:34 Sen. Gross

02:22:25 **Vote:** Motion carried 7-4 by roll call vote with Sen. Gross, Sen. MacDonald, Sen. Moe and Sen. S. Sales voting no.

EXECUTIVE ACTION ON SB 117

02:23:22 **Motion:** Sen. Fielder moved that **SB 117 DO PASS**.

Discussion:

02:23:36 Chairman Regier
02:23:54 Sen. Vincent
02:24:42 Julianne Burkhardt, Legislative Services Division (LSD)
02:25:04 Sen. Gross
02:27:01 Sen. Sands
02:27:59 Ms. Burkhardt, LSD
02:28:55 Sen. Swandal

02:29:03 Without objection, Sen. Fielder withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 118

02:29:31 **Motion:** Sen. Fielder moved that **SB 118 DO PASS**.

02:31:06 **Motion:** Sen. K. Regier moved that **SB 118 BE AMENDED**.
EXHIBIT(jus20a06)

Discussion:

02:31:17 Julianne Burkhardt, Legislative Services Division

02:31:39 **Vote:** Motion carried unanimously by voice vote.

02:31:51 **Motion:** Sen. Fielder moved that **SB 118 DO PASS AS AMENDED**.

Discussion:

02:32:00 Sen. Swandal

02:32:40 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 123

02:33:10 **Motion:** Sen. Swandal moved that **SB 123 DO PASS**.

Discussion:

02:33:39 Sen. Sales

02:33:53 Without objection, Sen. Swandal withdrew the DO PASS motion.

02:34:20 Sen. Sales
02:35:50 Chairman Regier
02:35:58 Sen. Sales

02:36:22 Sen. Swandal
02:37:38 Sen. MacDonald
02:38:20 Sen. Sands

02:39:16 **Motion:** Sen. Swandal moved that **SB 123 DO PASS**.

Discussion:

02:39:21 Chairman Regier
02:39:50 Sen. Moe
02:41:23 Sen. Sales
02:42:44 Chairman Regier
02:42:49 Sen. Sands
02:43:13 Sen. Vincent
02:44:05 Sen. Gross
02:44:21 Chairman Regier

02:44:33 **Vote:** Motion carried 10-1 by roll call vote with Sen. Hinebauch voting no.

02:45:09 Chairman Regier
02:45:38 Sen. Moe

ADJOURNMENT

Adjournment: 10:47 A.M.

_____
Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus20aad.pdf)

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 13, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)

Members Excused:

Rep. Ellie Hill Smith (D)
Rep. Shane A. Morigeau (D)
Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 107, 3/8/2017; SB 113, 3/8/2017; SB 228, 3/8/2017; SB 229, 3/8/2017
Executive Action: SB 28, SB 97, SB 107, SB 113, SB 228, SB 229

HEARING ON SB 107

Opening Statement by Sponsor:
00:01:35 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 107, Provide liability limits for emergency care by volunteer emergency responders.
00:01:53 Rep. Court joined the meeting.

Proponents' Testimony:
00:04:26 Rob Brandt, Meagher County Search and Rescue
EXHIBIT(juh52a01)

00:05:59 Rep. Wagoner joined the meeting.
00:06:22 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony:
00:07:02 Al Smith, Montana Trail Lawyers Association (MTLA)
00:07:35 Rep. Morigeau joined the meeting

Questions from Committee Members and Responses:
00:08:08 Rep. McConnell
00:08:15 Rob Brandt, Meagher County Search and Rescue
00:08:45 Rep. Usher
00:09:32 Sen. Kary
00:09:48 Al Smith, MTLA
00:10:02 Rep. Usher
00:10:33 Al Smith, MTLA

Closing by Sponsor:
00:11:04 Sen. Kary

HEARING ON SB 228

Opening Statement by Sponsor:
00:12:06 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 228, Exempting needle and syringe exchange providers from drug paraphernalia laws.

Proponents' Testimony:
00:14:55 Mayor Sandra Jones, Roundup
EXHIBIT(juh52a02)
EXHIBIT(juh52a03)
EXHIBIT(juh52a04)
EXHIBIT(juh52a05)
EXHIBIT(juh52a06)
EXHIBIT(juh52a07)
EXHIBIT(juh52a08)

00:17:49 Mark Murphy, Montana Association of Chiefs and Police (MACOP)
00:19:13 Greg Dorrington, Montana Medical Association (MMA)

00:22:05 Abigail St. Lawrence, Montana Association of Naturopathic Physicians (MANP)
00:23:43 Shelley Carney, Self
EXHIBIT(juh52a09)

00:26:19 Kelly Lynch, Montana League of Cities and Towns (MLCT)
00:26:41 Jim Murphy, Montana Department of Health and Human Services (DPHHS)
EXHIBIT(juh52a10)
EXHIBIT(juh52a11)
EXHIBIT(juh52a12)

00:29:50 Carol Casey, Self
EXHIBIT(juh52a13)
EXHIBIT(juh52a14)

00:34:42 Stephanie Cole, Open Aid Alliance
EXHIBIT(juh52a15)

00:35:50 Jane Smilie, Montana Public Health Association, Association of Montana Public Officials, Montana Environmental Health Association

00:37:01 Amanda Reese, Open Aid Alliance
EXHIBIT(juh52a16)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:37:47 Rep. Manzella
00:38:38 Jane Smilie, Montana Public Health Association, Association of Montana Public Officials, Montana Environmental Health Association
00:39:07 Jim Murphy, DPHHS
00:40:16 Rep. Court
00:40:51 Sen. Ankney

Closing by Sponsor:
00:42:29 Sen. Ankney

HEARING ON SB 113

Opening Statement by Sponsor:
00:44:46 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 113, Providing for disclosure of child and family services records to legislators.

Proponents' Testimony:
00:50:19 Shannon McDonald, Department of Health and Human Services (DPHHS)
00:52:13 Janie McCall, Intermountain, Yellowstone Boys and Girls Ranch, Protect Montana Kids Commission

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:50	Rep. McConnell
00:56:31	Sen. Moore
00:56:52	Rep. Kelker
00:57:26	Sen. Moore
00:58:53	Rep. Manzella
00:59:33	Sen. Moore
01:00:13	Rep. Bishop
01:01:10	Shannon McDonald, DPHHS
01:01:49	Rep. Bishop
01:01:55	Sen. Moore
01:02:17	Rep. B. Brown
01:02:50	Shannon McDonald, DPHHS
01:04:23	Chair Doane
01:04:37	Sen. Moore
01:06:39	Chair Doane
01:06:47	Shannon McDonald, DPHHS
01:07:32	Rep. C. Knudsen
01:08:03	Shannon McDonald, DPHHS
01:08:32	Sen. Moore

Closing by Sponsor:

01:09:22	Sen. Moore

01:11:14	Recess
01:17:44	Reconvene

HEARING ON SB 229

Opening Statement by Sponsor:

01:18:12 Sen. Frederick (Eric) Moore (R), SD 19, opened the hearing on SB 229, Require release of case records if child exposed to dangerous drugs.

Proponents' Testimony:

01:22:47	Dana Toole, Department of Justice (DOJ)
01:23:40	Janie McCall, Protect Montana Kids Commission, Yellowstone Boys and Girls Ranch, Intermountain
01:24:21	Jed Fitch, Montana County Attorneys Association (MACo)
01:27:02	Mark Murphy, Montana Police Protective Association (MPPA), Montana Chiefs of Police Association (MACOP)
01:30:33	Greg Dorrington, Montana Medical Association (MMA)

Opponents' Testimony: None

Informational Testimony:

01:31:48 Shannon McDonald, Department of Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

01:32:13 Rep. McConnell
01:33:57 Sen. Moore
01:34:39 Jed Fitch, MACo
01:35:47 Rep. Usher
01:36:45 Jed Fitch, MACo
01:37:48 Rep. Usher
01:38:24 Shannon McDonald, DPHHS
01:38:42 Rep. Kelker
01:39:54 Jed Fitch, MACo
01:40:43 Rep. Manzella
01:42:05 Shannon McDonald, DPHHS
01:44:39 Jed Fitch, MACo
01:45:34 Rep. C. Knudsen
01:46:15 Shannon McDonald, DPHHS
01:46:54 Rep. Usher
01:47:28 Jed Fitch, MACo

Closing by Sponsor:

01:48:42 Sen. Moore

01:53:08 Recess
02:18:54 Reconvene

EXECUTIVE ACTION ON HB 562

Discussion:

02:19:06 Helen Thigpen, Legislative Services Division (LSD)

02:19:17 **Motion:** Rep. Berglee moved that **HB 562 DO PASS**.

Discussion:

02:19:27 Rep. C. Knudsen
02:20:03 Rep. Court
02:21:25 Rep. Usher

02:23:46 **Motion:** Rep. C. Knudsen moved that **HB 562 BE AMENDED**.

Discussion:

02:25:08 Helen Thigpen, LSD
02:25:25 Rep. Wagoner
02:25:46 Rep. C. Knudsen
02:25:55 Chair Doane
02:26:05 Helen Thigpen, LSD
02:26:15 Rep. C. Knudsen
02:26:26 Rep. Bishop
02:27:03 Rep. C. Knudsen

02:28:40 Rep. C. Knudsen **WITHDREW THE MOTION THAT HB 562 BE AMENDED**

02:28:54 **Motion:** Rep. Doane moved to **POSTPONE ACTION ON HB 562**. Motion was without objection.

EXECUTIVE ACTION ON SB 28

Discussion:
02:29:07 Helen Thigpen, LSD

02:29:26 **Motion:** Rep. Berglee moved that **SB 28 BE CONCURRED IN**.

Discussion:
02:29:35 Rep. Kelker
02:30:19 Rep. Harris
02:31:10 Chair Doane
02:31:35 Rep. Harris
02:31:57 Rep. B. Brown
02:33:14 Rep. Harris
02:34:15 Helen Thigpen, LSD
02:34:46 Rep. Wagoner
02:34:57 Rep. B. Brown
02:36:05 Rep. Usher
02:37:34 Rep. Harris
02:38:13 Rep. B. Brown

02:38:51 **Vote:** Motion carried 12-7 by roll call vote with Rep. Eck, Rep. Harris, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Z. Brown will carry the bill.

EXECUTIVE ACTION ON SB 97

Discussion:
02:40:38 Helen Thigpen, LSD

02:40:56 **Motion:** Rep. Berglee moved that **SB 97 BE CONCURRED IN**.

Discussion:
02:41:11 Rep. Perry
02:42:43 Rep. Bishop
02:42:57 Rep. Harris
02:43:20 Rep. Morigeau
02:45:18 Helen Thigpen, LSD
02:45:23 Chair Doane
02:45:47 Helen Thigpen, LSD
02:46:13 Rep. Berglee
02:47:41 Rep. Morigeau
02:49:34 Rep. Manzella
02:51:13 Rep. McConnell
02:52:20 Rep. Court
02:52:48 Rep. Morigeau
02:54:12 Rep. Regier

02:54:41 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Tschida will carry the bill.

EXECUTIVE ACTION ON SB 107

02:56:04 **Motion:** Rep. Berglee moved that **SB 107 BE CONCURRED IN**.

Discussion:
02:56:26 Rep. B. Brown

02:56:48 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Mortensen will carry the bill.

EXECUTIVE ACTION ON SB 113

02:57:27 **Motion/Vote:** Rep. Berglee moved that **SB 113 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Dudik will carry the bill.

EXECUTIVE ACTION ON SB 228

02:58:16 **Motion/Vote:** Rep. Berglee moved that **SB 228 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Usher will carry the bill.

EXECUTIVE ACTION ON SB 229

02:59:21 **Motion/Vote:** Rep. Berglee moved that **SB 229 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill Smith voted by proxy. Rep. Wagoner will carry the bill.

ADJOURNMENT

Adjournment: 03:00:28

Sara Fleming, Secretary

sf

Additional Documents:

EXHIBIT(juh52aad.pdf)

Montana State Legislature

65th Montana Legislature - 2017

ADDITIONAL DOCUMENTS

Business Report

Signed by Chairman

Roll Call

Attendance

Standing Committee Reports

Tabled Bills

Fiscal Reports

Roll Call Votes

Proxy Forms

Visitor Registration

Additional Documents

Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.

- **Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.**

YOU MAY VIEW THE ORIGINAL DOCUMENTS

AT THE MONTANA HISTORICAL SOCIETY

MONTANA HISTORICAL SOCIETY ARCHIVES
225 N. ROBERTS
HELENA, MT 59620-1201
2017 LEGISLATIVE SESSION
E-DOCUMENT SPECIALIST: SUSIE HAMILTON

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
65th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Monday, March 13, 2017 **Time:** 8:00 AM
Place: Capitol **Room:** 137

BILLS and RESOLUTIONS HEARD:
SB 107 - Provide liability limits for emergency care by volunteer emergency responders
- Sen. Douglas (Doug) Kary
SB 113 - Providing for disclosure of child and family services records to legislators
- Sen. Frederick (Eric) Moore
SB 228 - Exempting needle and syringe exchange providers from drug paraphernalia laws
- Sen. Duane Ankney
SB 229 - Require release of case records if child exposed to dangerous drugs
- Sen. Frederick (Eric) Moore

EXECUTIVE ACTION TAKEN:
SB 28 - Be Concurred In
SB 97 - Be Concurred In
SB 107 - Be Concurred In
SB 113 - Be Concurred In
SB 228 - Be Concurred In
SB 229 - Be Concurred In

Comments:

REP. Alan Doane, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE: 3/13/17

NAME	PRESENT	ABSENT/EXCUSED
REP. SETH BERGLEE, VICE CHAIR	✓	
REP. VIRGINIA COURT, VICE CHAIR	✓	
REP. KATHY KELKER	✓	
REP. BOB BROWN	✓	
REP. BARRY USHER	✓	
REP. DALE MORTENSEN	✓	
REP. JENNY ECK	✓	
REP. LAURIE BISHOP	✓	
REP. ELLIE HILL SMITH		✓
REP. NATE MCCONNELL	✓	
REP. KIRK WAGONER		✓
REP. MATT REGIER	✓	
REP. BILL HARRIS	✓	
REP. LOLA SHELDON-GALLOWAY	✓	
REP. THERESA MANZELLA	✓	
REP. CASEY KNUDSEN	✓	
REP. ZAC PERRY	✓	
REP. SHANE MORIGEAU		✓
REP. ALAN DOANE, CHAIR	✓	

19 MEMBERS

HOUSE STANDING COMMITTEE REPORT

March 13, 2017

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 28** (third reading copy -- blue) **be concurred in.**

Signed: _____
Representative Alan Doane, Chair

To be carried by Representative Zach Brown

- END -

Committee Vote:
Yes 12, No 7
Fiscal Note Required __

SB0028001SC16495.hts

AM 12:40 03-13-17

HOUSE STANDING COMMITTEE REPORT

March 13, 2017

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 97** (third reading copy -- blue) **be concurred in.**

Signed: _____
Representative Alan Doane, Chair

To be carried by Representative Brad Tschida

- END -

Committee Vote:
Yes 11, No 8
Fiscal Note Required __

SB0097001SC16525.hts

10:40 03-13-17

HOUSE STANDING COMMITTEE REPORT

March 13, 2017

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 107** (third reading copy -- blue) **be concurred in.**

Signed: Alan Doane
Representative Alan Doane, Chair

To be carried by Representative ~~Wylie Galt~~ Dale Mortensen

- END -

Committee Vote:
Yes 19, No 0
Fiscal Note Required __

SB0107001SC15258.hts

CW 12:40 03-13-17

HOUSE STANDING COMMITTEE REPORT

March 13, 2017

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 113** (third reading copy -- blue) **be concurred in.**

Signed: _____
Representative Alan Doane, Chair

To be carried by Representative Kimberly Dudik

- END -

Committee Vote:
Yes 19, No 0
Fiscal Note Required __

SB0113001SC15267.hts

AM 12:40 03-13-17

HOUSE STANDING COMMITTEE REPORT

March 13, 2017
Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 228** (third reading copy -- blue) **be concurred in.**

Signed: _____
Representative Alan Doane, Chair

To be carried by Representative Barry Usher

- END -

Committee Vote:
Yes 19, No 0
Fiscal Note Required __

SB0228001SC17704.hts

PM 12:40 03-13-17

HOUSE STANDING COMMITTEE REPORT

March 13, 2017

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 229** (third reading copy -- blue) **be concurred in.**

Signed: Alan Doane
Representative Alan Doane, Chair

To be carried by Representative ~~Kirk Wagoner~~
Rob Cook

- END -

Committee Vote:
Yes 19, No 0
Fiscal Note Required __

SB0229001SC15257.hts

10:37 03-10-17

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB28 DATE 3/13/17

MOTION Be Concurred In

NAME	AYE	NO	PROXY
REP. SETH BERGLEE, VICE CHAIR	✓		
REP. VIRGINIA COURT, VICE CHAIR	✓		
REP. KATHY KELKER		✓	
REP. BOB BROWN	✓		
REP. BARRY USHER	✓		
REP. DALE MORTENSEN	✓		
REP. JENNY ECK		✓	✓
REP. LAURIE BISHOP	✓		
REP. ELLIE HILL-SMITH		✓	✓
REP. NATE MCCONNELL		✓	
REP. KIRK WAGONER	✓		
REP. MATT REGIER	✓		
REP. BILL HARRIS		✓	
REP. LOLA SHELDON-GALLOWAY	✓		
REP. THERESA MANZELLA	✓		
REP. CASEY KNUDSEN	✓		
REP. ZAC PERRY		✓	
REP. SHANE MORIGEAU		✓	
REP. ALAN DOANE, CHAIR	✓		

19 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 97 DATE 3/13/17

MOTION Be Concurred In

NAME	AYE	NO	PROXY
REP. SETH BERGLEE, VICE CHAIR	✓	✓	
REP. VIRGINIA COURT, VICE CHAIR		✓	
REP. KATHY KELKER	✓	✓	
REP. BOB BROWN	✓		
REP. BARRY USHER	✓		
REP. DALE MORTENSEN	✓	✓	✓
REP. JENNY ECK		✓	✓
REP. LAURIE BISHOP		✓	
REP. ELLIE HILL-SMITH		✓	✓
REP. NATE MCCONNELL	✓	✓	
REP. KIRK WAGONER	✓		
REP. MATT REGIER	✓		
REP. BILL HARRIS	✓		
REP. LOLA SHELDON-GALLOWAY	✓		
REP. THERESA MANZELLA	✓		
REP. CASEY KNUDSEN	✓	✓	
REP. ZAC PERRY		✓	
REP. SHANE MORIGEAU	✓	✓	
REP. ALAN DOANE, CHAIR	✓		

19 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 65TH LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Virginia Court.

BILL	AYE	NO
SB28		X
SB97		X
SB107	X	
SB113	X	
SB228	X	
SB229	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Nate McConnell for any amendments proposed on this date.

Rep. Ellen Ott Smith (Signature)

Date 3/13/17

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY 65TH LEGISLATIVE SESSION

I request to be excused from the February Committee.

I desire to leave my proxy vote with Rep. Court.

BILL	AYE	NO
SB 28		X
SB 97		X
SB 107	X	
SB 113	X	
SB 228	X	
SB 229	X	

BILL	AYE	NO

I authorize my vote to be matched with that of Rep. Court for any amendments proposed on this date.

Rep. _____ Date 3/13/17
(Signature)

ECK

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, March 13, 2017
SB 107 - Provide liability limits for emergency care by volunteer emergency responders
Sponsor: **Sen. Douglas (Doug) Kary**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bob Brandt	Hill Co. SAR	X		
Al Smith	MTLA			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, March 13, 2017
SB 113 - Providing for disclosure of child and family services records to legislators
Sponsor: **Sen. Frederick (Eric) Moore**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Shannon McDonald	DPHHS	X		
Jani McCall	PMIC Commission YABR Intermountain Family Support Network	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, March 13, 2017
SB 228 - Exempting needle and syringe exchange providers from drug paraphernalia laws
Sponsor: **Sen. Duane Ankney**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Sandra Jones	City of Roundup	✓		
Kelly Lynch	MT League of Cities of Towns	✓		
Carolyn Casey	Connections	✓		
Jim Murphy	DPHHS	✓		
Greg Dorrington	MMA	X		
Margaret St. Laurent	MANP	X		
MARK MURRAY	MACDP	X		
[illegible]	MPHA/MISHA/AMPHO	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Monday, March 13, 2017
SB 229 - Require release of case records if child exposed to dangerous drugs
Sponsor: **Sen. Frederick (Eric) Moore**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Shannon McDonald	DPHHS			X
Greg Dorrington	MLA	X		
MARK MURPHY	MCPA, MACCP, MPPA	X		
Jed Fitch	MCAA / Beaverhead County	X		
Dana Toole	DOJ	X		
Jamie McCall	YSC, Interim Committee, Members of Dept Commission			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.